

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

WILLIAM JOSEPH CONGER, §
§
VS. § CIVIL ACTION NO. 4:07-CV-520-Y
§
NATHANIEL QUARTERMAN, Director, §
T.D.C.J., Correctional §
Institutions Division, §
Respondent. §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner William Joseph Conner under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on July 24, 2008;
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 13, 2008; and
4. The respondent's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 7, 2008.

The Court, after **de novo** review, concludes that bot petitioner Conger's and Respondent's objections must be overruled,¹ such that Conger's claims in the petition for writ of habeas corpus arising from the denial of parole on November 12, 1998; April 24, 2000; July 19, 2002; and July 1, 2004; are dismissed with prejudice as time-barred under 28 U.S.C. § 2244; but the claims arising from the denial of parole on April 11, 2007, are denied for the reasons stated in the magistrate judge's findings and conclusions.

¹The Court rejects Respondent's arguments that because the reasons for denial of parole were virtually the same in April 2007 as existed in 2004, Conger is barred from being able to challenge the more recent determination denying release on parole.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED. Petitioner William Joseph Conger's claims in the petition for writ of habeas corpus arising from the denial of parole on November 12, 1998; April 24, 2000; July 19, 2000; and July 1, 2004; are DISMISSED WITH PREJUDICE, and the claims arising from the denial of parole on April 11, 2007, are DENIED.

SIGNED August 25

Terry R. Means
TERRY R. MEANS
UNITED STATES DISTRICT JUDGE